

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended Claim 9; Claims 5 and 14 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-4 and 6-13 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 112**

The Examiner objected to Claims 9-10 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Appropriate corrections have been made. A favorable reconsideration is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 6 and 12 under 35 U.S.C. § 102(e) as being anticipated by Martinez et al. (US Patent Application Publication 2004/0015937). The Applicant respectfully submits that Martinez cannot be used as a 102(e) reference in rejecting the pending independent claims. More specifically, Martinez has an effective filing date of **April 19, 2001** wherein it was filed as a provisional application and later converted to a regular application on July 30, 2001. The Applicant respectfully submits that the presently pending application was filed on **September 1, 2000** as a provisional application and later converted to a regular application on August 30, 2001. With the **effective filing date of September 1, 2000 which predates Martinez's effective filing date of April 19, 2001**, the Applicant respectfully submits that the cited Martinez reference is disqualified as a 102(e) reference against the presently pending claims.

### **4.) Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected the remaining dependent claims under 35 U.S.C. 103(e) as being unpatentable over Martinez in view of a number of other references (Haumont et al., Maruyama et al., Ekman et. al., and En-Seung et al). The Applicant respectfully

submits that with the disqualification of the Martinez reference as main prior art against the pending independent claims, the remaining references nevertheless fail to anticipate or render obvious each and every element of the pending independent claims. As a result, the pending independent claims and their respective dependent claims are in condition for allowance.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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